



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

FEB 27 2012

REPLY TO THE ATTENTION OF
SE-5J

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Dr. Michael F. Adams, President
University of Georgia
220 South Jackson Street
Athens, GA 30601-1661



Re: Request for Information Pursuant to Section 104 of CERCLA for the Texas Township Drum Site in Kalamazoo, Kalamazoo County, Michigan; Site Spill Identification Number: B5PY

Dear Dr. Adams:

This letter seeks your cooperation in providing information and documents relating to the contamination of the Texas Township Drum Superfund Site in Kalamazoo, Michigan (Site). A Superfund site is a site contaminated with high levels of hazardous substances that may present a threat to human health or the environment.

We encourage you to give this matter your immediate attention and request that you provide a complete and truthful response to this Information Request and enclosed questions (Enclosure B) within twenty-one (21) calendar days of your receipt of this letter.

The United States Environmental Protection Agency conducted a time-critical removal action at the Site. EPA is seeking to obtain information concerning the generation, storage, treatment, transportation and methods used to dispose of such substances that were released or had the potential to be released from the Site. In addition, EPA is investigating activities, materials and parties that contributed to contamination at the Site. EPA believes that you might have information that may assist the Agency in its investigation of the Site.

On August 19, 2008, a fire occurred in a pole-barn located on the Site property and on August 26, 2008, local, county, and state authorities entered the Site to conduct an assessment of the conditions. During the assessment, approximately 500 drums of various hazardous materials and biological wastes were discovered within the pole-barn, staged along a clearing, and placed in a recently excavated pit on the property. On August 27, 2008, the United States Environmental Protection Agency and the Michigan Department of Environmental Quality (MDEQ) began an investigation of conditions at the Site and determined that an emergency removal action was required.

EPA conducted a removal action at the Site from August 26, 2008, through July 8, 2009. During that time, drums of wastes were staged, sampled, and characterized. EPA determined that many of the drums held smaller containers of waste haphazardly filled with chemicals found in commercial, medical, academic and research laboratories. Twenty-five of the drums contained radioactive material and the remainder contained other various hazardous materials and biological wastes, including about 36,000 pounds of mercury, 20,500 pounds of chromium and arsenic, and 8,025 pounds of formalin, which is a form of formaldehyde. Drums and containers were over-packed and shipped to off-site locations for disposal. The pole-barn was demolished and its concrete foundation was removed and disposed of at an off-site location. In addition, soil from three affected areas was removed for treatment and disposal. Documents found in one or more of the drums indicate that the University of Georgia may have been one of the generators of some of the hazardous substances disposed of at the Site.

Description of Legal Authority

The federal "Superfund" law (the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, 42 U.S.C. § 9601 *et seq.*, commonly referred to as "CERCLA" and "Superfund") gives EPA the authority to, among other things: (1) assess contaminated sites, (2) determine the threats to human health and the environment posed by each site and (3) clean up those sites in the order of the relative threats posed by each.

Information Request

Under Section 104(e)(2) of CERCLA, 42 U.S.C. § 9604(e)(2), EPA has broad information gathering authority which allows EPA to require persons to furnish information or documents relating to:

- (A) The identification, nature and quantity of materials which have been or are generated, treated, stored or disposed of at a vessel or facility or transported to a vessel or facility.
- (B) The nature or extent of a release or threatened release of a hazardous substance or pollutant or contaminant at or from a vessel or facility.
- (C) Information relating to the ability of a person to pay for or to perform a cleanup.

While EPA seeks your cooperation in this investigation, compliance with the Information Request is required by law. Please note that false, fictitious or fraudulent statements or representations may subject you to civil or criminal penalties under federal law.

Some of the information EPA is requesting may be considered by you to be confidential. Please be aware that you may not withhold the information upon that basis. If you wish EPA to treat the information confidentially, you must advise EPA of that fact by following the procedures outlined in Enclosure A, including the requirement for supporting your claim for confidentiality.

If you have information about other parties who may have information which may assist the Agency in its investigation of the Site or may be responsible for the contamination at the Site, that information should be submitted within the time frame noted above.

This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1995, 44 U.S.C. § 3501 *et seq.*

Instructions on how to respond to the questions in Enclosure B to this document are described in Enclosure A. Your response to this Information Request should be mailed to:

Carol Ropski
U.S. Environmental Protection Agency
Enforcement Services Section 1, SE-5J
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

If you have additional questions about the history of the Site, the nature of the environmental conditions at the Site or the status of cleanup activities, please contact Steven Kaiser at 312-353-3804. However, if you have specific questions about the Information Request, please contact Carol Ropski at 312-353-7647.

We appreciate and look forward to your prompt response to this Information Request.

Sincerely,

A handwritten signature in black ink, appearing to read 'Sharon Jaffess', written over a horizontal line.

Sharon Jaffess, Chief
Enforcement and Compliance Assurance Branch

Enclosures

Enclosure A
Information Request
to University of Georgia

Instructions

1. Answer Every Question Completely. A separate response must be made to each of the questions set forth in this Information Request. For each question contained in this letter, if information responsive to this Information Request is not in your possession, custody or control, please identify the person(s) from whom such information may be obtained.
2. Number Each Answer. Precede each answer with the corresponding number of the question and the subpart to which it responds.
3. Provide the Best Information Available. Provide responses to the best of Respondent's ability, even if the information sought was never put down in writing or if the written documents are no longer available. You should seek out responsive information from current and former employees/agents. Submission of cursory responses when other responsive information is available to the Respondent will be considered non-compliance with this Information Request.
4. Identify Sources of Answer. For each question, identify (see Definitions) all the persons and documents that you relied on in producing your answer.
5. Continuing Obligation to Provide/Correct Information. If additional information or documents responsive to this Request become known or available to you after you respond to this Request, EPA hereby requests pursuant to Section 104(e) of CERCLA that you supplement your response to EPA.
6. Confidential Information. The information requested herein must be provided even though you may contend that it includes confidential information or trade secrets. You may assert a confidentiality claim covering part or all of the information requested, pursuant to Sections 104(e)(7)(E) and (F) of CERCLA, 42 U.S.C. §§ 9604(e)(7)(E) and (F), and Section 3007(b) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6927(b), and 40 C.F.R. § 2.203(b).

If you make a claim of confidentiality for any of the information you submit to EPA, you must prove that claim. For each document or response you claim confidential, you must separately address the following points:

- a) The portions of the information alleged to be entitled to confidential treatment;
- b) The period of time for which confidential treatment is desired (e.g., until a certain date, until the occurrence of a specific event or permanently);

- c) Measures taken by you to guard against the undesired disclosure of the information to others;
- d) The extent to which the information has been disclosed to others and the precautions taken in connection therewith;
- e) Pertinent confidentiality determinations, if any, by EPA or other federal agencies, and a copy of any such determinations or reference to them, if available; and
- f) Whether you assert that disclosure of the information would likely result in substantial harmful effects on your business' competitive position, and if so, what those harmful effects would be, why they should be viewed as substantial and an explanation of the causal relationship between disclosure and such harmful effects.

To make a confidentiality claim, please stamp or type "confidential" on all confidential responses and any related confidential documents. Confidential portions of otherwise non-confidential documents should be clearly identified. You should indicate a date, if any, after which the information need no longer be treated as confidential. Please submit your response so that all non-confidential information, including any redacted versions of documents, is in one envelope and all materials for which you desire confidential treatment are in another envelope.

All confidentiality claims are subject to EPA's verification. It is important that you satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so, and that it is not and has not been obtainable by legitimate means without your consent. Information covered by such claim will be disclosed by EPA only to the extent permitted by Section 104(e) of CERCLA. If no such claim accompanies the information when it is received by EPA, then it may be made available to the public by EPA without further notice to you.

7. Disclosure to EPA Contractor. Information which you submit in response to this Information Request may be disclosed by EPA to authorized representatives of the United States, pursuant to 40 C.F.R. § 2.310(h), even if you assert that all or part of it is confidential business information. Please be advised that EPA may disclose all responses to this Information Request to one or more of its private contractors for the purpose of organizing and/or analyzing the information contained in the responses to this Information Request. If you are submitting information which you assert is entitled to treatment as confidential business information, you may comment on this intended disclosure within fourteen (14) calendar days of receiving this Information Request.

8. Personal Privacy Information. Personnel and medical files, and similar files, the disclosure of which to the general public may constitute an invasion of privacy, should be segregated from your responses, included on separate sheet(s) and marked as "Personal Privacy Information."

9. Objections to Questions. If you have objections to some or all the questions within the Information Request letter, you are still required to respond to each of the questions.

Definitions

The following definitions shall apply to the following words as they appear in this Information Request.

1. The term "**arrangement**" means every separate contract or other agreement between two or more persons, whether written or oral.
2. The term "**documents**" includes any written, recorded, computer-generated or visually or aurally reproduced material of any kind in any medium in your possession, custody or control, or known by you to exist, including originals, all prior drafts, and all non-identical copies.
3. The term "**hazardous substance**" shall have the same definition as that contained in Section 101(14) of CERCLA, and includes any mixtures of such hazardous substances with any other substances, including mixtures of hazardous substances with petroleum products or other nonhazardous substances.
4. The term "**identify**" means, with respect to a natural person, to set forth: (a) the person's full name; (b) present or last known business and home addresses and telephone numbers; (c) present or last known employer (include full name and address) with title, position or business.
5. With respect to a corporation, partnership or other business entity (including a sole proprietorship), the term "**identify**" means to provide its full name, address and affiliation with the individual and/or company to whom/which this request is addressed.
6. The term "**material**" or "**materials**" shall mean any and all objects, goods, substances or matter of any kind, including but not limited to wastes.
7. The term "**person**" shall include any individual, firm, unincorporated association, partnership, corporation, trust or other entity.
8. The term "**pollutant or contaminant**" shall include, but not be limited to, any element, substance, compound or mixture, including disease-causing agents, which after release into the environment will or may reasonably be anticipated to cause death, disease, behavioral abnormalities, cancer, genetic mutation, physiological malfunctions (including malfunctions in reproduction) or physical deformations; except that the term "pollutant or contaminant" shall not include petroleum.
9. The term "**real estate**" shall mean and include, but not be limited to the following: land, buildings, a house, dwelling place, condominium, cooperative apartment, office or commercial building, including those located outside the United States.

10. The term "**release**" shall mean any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping or disposing into the environment, including the abandonment or discharging of barrels, containers and other closed receptacles containing any hazardous substance or pollutant or contaminant.

11. The term "**Site**" shall mean the Texas Township Drum Superfund Site located at 10135 West O Avenue, Kalamazoo, Kalamazoo County, Michigan.

12. The term "**waste**" or "**wastes**" shall mean and include trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances and pollutants or contaminants, whether solid, liquid or sludge, including but not limited to containers for temporary or permanent holding of such wastes.

13. The term "**you**" or "**Respondent**" shall mean University of Georgia.

Enclosure B
Requests

1. Identify all persons consulted in the preparation of the answers to these Information Requests.
2. Identify all documents consulted, examined or referred to in the preparation of the answers to these Requests, and provide copies of all such documents.
3. If you have reason to believe that there may be persons able to provide a more detailed or complete response to any Information Request or who may be able to provide additional responsive documents, identify such persons.
4. List the EPA Identification Numbers of the Respondent.
5. Identify all persons having knowledge or information about your generation, transportation, treatment, disposal or other handling of hazardous substances.
6. Did you ever dispose, transport or otherwise handle any hazardous substances or materials in a laboratory setting? If the answer to the preceding question is anything but an unqualified "no", identify:
 - a) The chemical composition, characteristics, physical state (e.g., solid, liquid) of each hazardous substance disposed, transported or otherwise handled by the laboratory or by any other location at the University;
 - b) Who supplied you with such hazardous substances;
 - c) How such hazardous substances were stored, treated, transported, disposed or otherwise handled by you;
 - d) When such hazardous substances were stored, treated, transported, disposed or otherwise handled by you;
 - e) Where such hazardous substances were stored, treated, transported, disposed or otherwise handled by you; and
 - f) The quantity of such hazardous substances stored, treated, transported, disposed or otherwise handled by you.
7. Identify all persons, including you, who may have arranged for disposal or treatment or arranged for transportation for disposal or treatment of waste materials, including hazardous substances, at the Site or to the Site and provide copies of any contracts for transportation,

disposal, or treatment of waste materials, including hazardous wastes between 1990 and 2008. In addition, identify the following:

- a) The persons or entities with whom you or such other persons made such arrangements, including, but not limited to The Environmental Quality Company and Amersham;
- b) The contact information for each person or entity with whom such arrangements were made;
- c) Every date on which such arrangements took place;
- d) For each transaction, the nature of the waste material or hazardous substance, including the chemical content, characteristics, physical state (e.g., solid, liquid) and the process for which the substance was used or the process which generated the substance;
- e) The owner of the waste materials or hazardous substances so accepted or transported;
- f) The quantity of the waste materials or hazardous substances involved (weight or volume) in each transaction and the total quantity for all transactions;
- g) All tests, analyses and analytical results concerning the waste materials;
- h) The person(s) who selected the Site as the place to which the waste materials or hazardous substances were to be transported;
- i) The amount paid in connection with each transaction, the method of payment and the identity of the person from whom payment was received;
- j) Where the person identified in g. above intended to have such hazardous substances or waste materials transported and all evidence of this intent;
- k) Whether the waste materials or hazardous substances involved in each transaction were transshipped through, or were stored or held at, any intermediate site prior to final treatment or disposal;
- l) What was actually done to the waste materials or hazardous substances once they were brought to the Site;
- m) The final disposition of each of the waste materials or hazardous substances involved in such transactions;
- n) The measures taken by you to determine the actual methods, means and site of treatment or disposal of the waste material and hazardous substances involved in each transaction;

o) The type and number of containers in which the waste materials or hazardous substances were contained when they were accepted for transport, and subsequently until they were deposited at the Site, and all markings on such containers;

p) The price paid for (i) transport or (ii) disposal of (iii) or both, of each waste material and hazardous substance;

q) All documents containing information responsive to a)-o) above, or in lieu of identification of all relevant documents, provide copies of all such documents; and

r) All persons with knowledge, information or documents responsive to questions a through q, above.

8. With respect to the documents found in Enclosure C, please provide any information that you might have concerning the transactions suggested by the documents.

Enclosure C

University of Georgia Documents

UNIV OF GA

PO BOX 2187

Athens-White Hall GA

0015 CR5667A

UNIV OF GA

PO BOX 2187

Athens-White Hall GA

0015 CR5667A

UNIV OF GA
PO BOX 2187

Athens-White Hall GA

1015 CRS6671A

STANDARD MAIL
FIRST CLASS PERMIT NO. 1007
ATHENS, GA 30601

UNIV OF GA
PO BOX 2187

Athens-White Hall GA

1015 CRS6671A

STANDARD MAIL
FIRST CLASS PERMIT NO. 1007
ATHENS, GA 30601



GENERATORS

THE ENVIRONMENTAL QUALITY COMPANY

2701 N. I-94 SERVICE DRIVE

YPSILANTI, MI 48198

PHONE: 734-547-2500

FAX: 734-547-2501

Chemist Names:	Date:	Circle One Virgin Product Spent Material	Approval #:	Drum No.:
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Proper DOT Shipping Name:

Container Type:	UN/NA Number:	Hazard Class / Packaging Group:
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Line No.	Material Description	Quantity	Liquid or Solid	Size	EPA Waste Code Number
01	Osmium Tetroxide	11	L	250AL - YALE UNIV	
02	PICRIC ACID SOLUTION	1	L	1L	YALE UNIV
03	ACID SOL	1	L	1L	11 11
04	THF	1	L	1L	11 11
05	UNKNOWN CONTAINER				THOMAS MIDDLE SCHOOL
06	(1) DRUM MARKED ENVIRONMENTAL NETWORK WAYNE, MI				
07	11 11 11 11 1L BOTTLES				CASE WESTERN
08	11 11 11 1L BOTTLES				WEST VIRGINIA STATE COLLEGE
09					
10	11 11 1PT BOTTLES				UNIV OF GEORGIA
11					GEORGE A. KELLY CO WHOLESALE DRUGS
12	ACID	1	L	1L	YALE UNIV
13	UNKNOWN WHITE SOLID	11	S	1LB	FUBURN UNIV
14	UNKNOWN MATERIALS (COULD NOT REMOVE LABEL)				YALE UNIV
15	11 11 11 (11 11 11 11 11 11 11 11)				11 11
16	11 11 11 (11 11 11 11 11 11 11 11)				11 11
17	BALE UNKNOWN SAMPLE FROM PAPER CHIPS	1	S	1LB	CASE WESTERN UNIV
18	BARIUM TITRATE	1	S	1LB	CASE WESTERN UNIV
19	DAB	11	L	1/2pt	YALE UNIV
20	11 11				
21					
22					
23					
24					
25					
26					
27					
28					
29					
30					

Total Quantity

Chemist Verification	This Lab Pack List continues: Yes <input type="checkbox"/> No <input type="checkbox"/> This is page _____ of _____
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WHITE - FILE

YELLOW - PACKING SLIP

PINK - CUSTOMER

GOLD - FACILITY